

SEVENTEENTH DAY

(Tuesday, July 18, 1989)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent: Green.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Almighty God, on other days we have petitioned You for strength, for wisdom, for Your divine guidance and for Your presence always. This morning, as this special session draws to a close, we pray for Your intervention as the Members search for ways to end this session on a positive and productive note. Thank You for each one who today will contribute some thought or word of encouragement to the conferees. We ask this through Jesus Christ our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.C.R. 2
S.C.R. 17
S.B. 27
S.B. 29
S.B. 32
S.B. 57
S.B. 59 (Signed subject to Art. III,
Sec. 49a of the Constitution)
S.B. 67
S.B. 80

REPORT OF STANDING COMMITTEE

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

H.B. 131

GUEST PRESENTED

Senator Brooks was recognized and presented Dr. J. C. Gold of Houston.

The Senate welcomed Dr. Gold, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

RECESS

On motion of Senator Parker, the Senate at 10:22 a.m. took recess until 11:30 a.m. today.

AFTER RECESS

The Senate met at 11:30 a.m. and was called to order by the President.

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

H.B. 64

H.B. 99

H.B. 101

H.B. 103

H.B. 116

H.B. 128

MESSAGE FROM THE HOUSE

House Chamber

July 18, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on **S.B. 20** by a non-record vote.

H.C.R. 35, Honoring Mr. Kwoh-tins Li.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO WITHDRAW
SENATE BILL 1 FROM CONFERENCE COMMITTEE**

Senator McFarland moved to withdraw **S.B. 1** from conference committee and return **S.B. 1** to the House for further consideration.

Senator Parmer made a parliamentary inquiry as to the propriety of withdrawing a bill from conference committee without discharging the conference committee.

The President responded that the motion was proper.

Senator Haley made a parliamentary inquiry as to the procedural posture of the bill if it were withdrawn from conference committee.

The President stated that the bill would be before the Senate as the house of origin.

Senator McFarland made a parliamentary inquiry as to whether, if the motion prevailed, the bill would be brought before the Senate and then returned to the House.

The President responded that it would.

Senator Parmer made a parliamentary inquiry as to whether the effect of a motion to return the bill to the House would be the same as a motion to not concur in House amendments.

The President stated that the effect would not be the same but, rather, would be analogous to situations in which the presiding officer of a bill's house of origin had ruled out of order amendments adopted by the other house and the originating house had then returned the bill to the other house for further consideration.

Senator Parmer made a parliamentary inquiry as to whether the effect of withdrawing a bill from conference committee would be to discharge the conferees.

The President responded that such would be the effect.

Senator Parmer requested division of the pending question.

The request was granted.

Senator Glasgow made a parliamentary inquiry as to what Senate rule permits the Senate to withdraw a bill from conference committee without permission from the House.

The President responded that Senate rules are silent on the point and that, pursuant to Senate Rule 20.01, the President is to rely on approved Parliamentary authorities. The President then cited Section 769 of Mason's Manual of Legislative Procedure, 1989, as follows:

"The bill, concerning which the dispute as to amendments exists, should be referred to the conference committee of the house in which the bill originated, and will thereafter remain in the possession of the house of origin or its conference committee."

Senator Glasgow then made a parliamentary inquiry as to whether such a general rule conflicts with Senate Rule 6.10, which requires that, a measure having left the possession of the Senate, request must be made for the House or the Governor, as the case may be, to return the measure to the Senate for further consideration.

The President stated that the bill, having originated in the Senate and having been amended by the House, had been returned to the Senate. The President stated further that, the House having granted the Senate's request for a conference committee, the bill was in the possession of the Senate's conference committee, and not in the possession of the House.

Question on the motion to withdraw **S.B. 1** from the conference committee, the motion was lost by the following vote: Yeas 10, Nays 21.

Yeas: Bivins, Brown, Harris, Henderson, Krier, Leedom, McFarland, Ratliff, Sims, Tejeda.

Nays: Armbrister, Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Johnson, Lyon, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Zaffirini.

HOUSE BILL 131 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 131, Relating to the acquisition of land and facilities by a county for lease to public entities for public purposes or to private entities for manufacturing or commercial purposes; authorizing the issuance of bonds.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 131 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 131** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
July 18, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 94** by a record vote of 119 Yeas, 0 Nays, 1 Present-not voting.

The House has concurred in Senate amendments to **H.B. 26** by a record vote of 117 Yeas, 0 Nays, 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 82 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 82, Relating to student center fees charged and collected by Texas Southern University.

The bill was read second time and was passed to third reading viva voce vote.

SENATE BILL 93 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 93, Relating to jury lists for justice courts.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **S.B. 93**, Section 8, by deleting the final sentence which reads "The officer shall [orally] deliver the summons to the person." and inserting in lieu thereof the following:

The officer shall deliver the summons to the person

(1) by registered mail or certified mail, or by first class mail, to the address on the current voter registration list of the county, or

(2) if the justice of the peace ordering the summons so directs, by verbal communication which may be made in person or by telephone. The content of a

summons to appear for jury service is sufficient if it includes the time and place for the appearance of the prospective juror for jury service and the purpose for which he or she is to appear.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 93 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

MEMORIAL RESOLUTIONS

S.R. 189 - By Glasgow: In memory of Eugene G. Connally of Glen Rose.

S.R. 190 - By Glasgow: In memory of Reverend Calvin Ray Stewart of Lewisville.

S.R. 191 - By Glasgow: In memory of H. R. Floyd of Cleburne.

S.R. 192 - By Glasgow: In memory of Billy F. Roe of Cleburne.

S.R. 193 - By Glasgow: In memory of Hurshal A. Loutherback of Stephenville.

S.R. 194 - By Glasgow: In memory of Melba Lee Spivey Deffenbaugh of Mineral Wells.

S.R. 195 - By Barrientos: In memory of Mary Helen Vidaurri of Austin.

CONGRATULATORY RESOLUTIONS

H.C.R. 35 - (Zaffirini): Paying tribute to Mr. Kwoh-tins Li by recognizing him as a "Distinguished Honorary Citizen of the State of Texas."

S.R. 186 - By Truan: Extending congratulations to Mr. and Mrs. David Berlanga, Sr., of Corpus Christi on their 50th wedding anniversary.

S.R. 187 - By Brooks: Extending congratulations to Annie Ruth Rye Lane of Austin on her 80th birthday.

S.R. 188 - By Washington: Extending congratulations to Carolyn McGee on her recent appointment as commander for American Legion Post No. 208 and highly commending her for her most important work in educating the young people of our State.

S.R. 196 - By Johnson: Extending congratulations to Mr. and Mrs. Johnnie Felmon Larkin on their 50th wedding anniversary.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:49 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(July 17, 1989)

H.C.R. 2

H.C.R. 5

H.C.R. 11

H.C.R. 25

Sent to Governor
(July 18, 1989)

S.C.R. 2

S.C.R. 17

S.B. 27

S.B. 29

S.B. 32

S.B. 57

S.B. 67

S.B. 80

EIGHTEENTH DAY
(Wednesday, July 19, 1989)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Edwards, Glasgow, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Absent: Washington.

Absent-excused: Dickson, Green.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Almighty Father, we are taught and believe that strength and agility come from exercise, both mental and physical. We submit that this legislative body is stronger and wiser today, having exercised itself these past months wrestling with issues that require alertness, expert leadership and studied decisions. Thank You for these who stand steady in debate and are challenged to defend their respective and respected positions.

Now on this last day of the First Called Special Session of the 71st Legislature, we pray for adjournment on a note of harmony and a finished work product that is worthy of the labors of the many who have contributed.

In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.